

REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 1-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,765,138 (Aycock). In the Advisory Action, the Examiner notes that the references must be considered for what would reasonably have been suggested to one of ordinary skill in the art and alleges that the Aycock reference provides a vendor evaluation/certification program that employs vendor curriculum via communication network. However Applicants respectfully note that it appears that specific claim language is being overlooked in the responses by the Patent Office. For example, as noted throughout the previous responses, Applicants claim requires, among other things, providing a vendor certification program comprising a curriculum via the communication network on a fee basis in addition to, among other things, granting certified vendor status upon the vendor indicated in the notification that is sent based on successfully completing the vendor certification program which requires a curriculum via the communication network on a fee basis. As Applicants have noted, the reference must teach the elements for which the reference is being cited, including for example what would reasonably be conveyed by the reference. Since the Aycock reference does not appear to teach or suggest supplying any curriculum (courses or training) to the suppliers, but instead the suppliers merely fill out responses relating to the suppliers own capabilities as indicated for example in column 5 stating that the quality control capabilities of the suppliers are evaluated, there are no courses or curriculum offered by the system disclosed in the Aycock reference.

If this rejection is maintained, Applicants respectfully request a clarification by column and line number of the alleged teachings of "curriculum" as claimed and defined in Applicants specification. The Advisory Action indicates that one cannot show nonobvious by attacking the references individually. Applicants respectfully submit that such an attack was not made by Applicants. To the contrary, it is the burden of the Patent Office to show obviousness based on a proper teaching and combination of the references. Applicants have simply indicated that the exact claim language alleged to be

taught in the references are not present in those references and as such the claims are in condition for allowance. This is noted above with respect to the Aycock reference.

In addition, the Advisory Action indicates that the Florida state reference allegedly teaches requiring the certification of a vendor comprising a curriculum based on a fee basis. However as Applicants noted, they were unable to find any indication in the cited Florida state website that could properly be combined with the Aycock reference, which is silent as to supplying any courses, to allegedly teach to one of ordinary skill in the art a vendor certification program that includes a curriculum via a communication network that is performed on a fee basis. The Florida state information does not describe any type of vendor certification program or vendor curriculum nor is there any granting of any certification of a vendor of any certification vendor status nor is there any certified vendor status confer preferential consideration during acquisition decisions by an entity in the Florida state website. The Florida state website merely teaches providing a curriculum online. Applicants are not claiming such a broad invention. To the contrary it is specific to a specific set of steps and data not taught or suggested by the combined references.

Also as noted, the ISO-online web page merely seems to indicate the it is a site for providing information relating to ISO standards but does not provide any sort of teaching or suggestion of providing a curriculum via communication network on a fee basis as it is allegedly cited as teaching in the final action. As such combining this reference with any reference does not render the claims obvious. If this rejection is maintained, the Applicants respectfully request a showing of the ISO certification web page that teaches providing such certification online for a fee as alleged in the Office Action.

The dependent claims add additional novel and non-obvious subject matter. For example, as to claim 5, there is no teaching or suggestion of granting variable levels of certified vendor status wherein an increasing number of the personnel that has successfully completed the vendor certification program certifies increasing levels of preferential consideration. In the Final Action, the Office Action indicates that because Aycock uses a maturity level of a supplier, it would have been obvious to modify Aycock

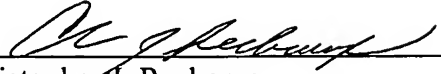
to provide a plurality of personnel that take courses and then somehow basing or conferring increased levels of preferential consideration based on the number of personnel that have completed the program. However, there is no reasoning given for such a combination. There are no similar features in the prior art as alleged in the Office Action.

Aycock teaches a completely different approach in that first there are no vendor certification curriculums offered via the Aycock system and second, there are no tie ins of the number of personnel to any vendor certification vendor status, nor is there any concept of completing or tracking the number of successfully completed vendor certification programs on a per personnel basis as required in the claims. For example, Aycock appears to be silent as to tracking any number of personnel of a given supplier that completes the RFQs. In fact, there would be no need for doing so since Aycock doesn't rely on any curriculum to determine how many people of particular vendors has taken and passed certain courses relating to an entity that is desirous of hiring the vendor. To the contrary, the Aycock reference teaches tracking a quality control capability of a supplier for example, based on a questionnaire in the form of a Request for Quote. Accordingly, this claim is also believed to be in condition for allowance.

Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

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Respectfully submitted,

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